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February 3, 2011

Honorable Dora L. Irizarry  
United States District Judge  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *United States v. Thomas Cavanagh*  
Case No. 10 CR 600 (S-1) (DLI)

Dear Judge Irizarry:

We represent defendant Mr. Thomas Cavanagh. I am writing to request leave of Court for Mr. Cavanagh to file a motion for a severance on February 11, 2011.

The Court has previously ordered that co-defendant Frank Nicolais file his motion for a severance on February 11, 2011. Mr. Nicolais and Mr. Cavanagh are the only defendants named in Counts 6 and 7 of the Indictment, and neither is named in any other Count of the Indictment. They are accused of the same criminal conduct. Thus, we anticipate that Messrs. Nicolais and Canavagh will make similar if not identical arguments for severance. Having the same briefing schedule for both defendants will serve the convenience of the government and the Court. Assistant United States Attorney William Schaeffer told me that he has no objection to this request.

Thank you very much.

Respectfully yours,



James C. Sherwood

JCS/db

cc: All counsel (by ECM)